

REJECTION UNDER 35 U.S.C. §102 AND REJECTION UNDER 35 U.S.C. §103

The Examiner rejected claims 1-3, 6-8, 18-19 21, 22 and 24 under 35 U.S.C. §102(a) as being allegedly anticipated by U.S. Patent No. 6,233,463 B1 issued to Weideman (hereinafter "Weideman").

The Examiner rejected claims 4-5, 9-10, 20, 26-27 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,233,463 B1 issued to Weideman (hereinafter "463") in view of U.S. Patent No. 2002/0094811 A1 issued to Bright (hereinafter "811").

The rejections are respectfully traversed.

"It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply." M.P.E.P. Eighth Edition Incorporating Revision No. 1, 706.02(j), p. 700-45.

In the office action dated 05/18/2004, the Examiner does not specify the disclosure in the reference Wiedeman that meets the language of "a first circuit" and "a second circuit," which are elements of independent claim 1. Wiedeman does not disclose "a first circuit communicating with the CDMA RAN, the first circuit communicating with the IS-41 core infrastructure using IS-41 protocol; and a second circuit communicating with the CDMA RAN, the second circuit communicating with the GSM core infrastructure using GSM protocol," as required by independent claim1; therefore, independent claim 1 is patentable. Dependent claims 3-5 are patentable since they depend on patentable independent claim 1.

Like independent claim 1, the Examiner does not specify the disclosure in the reference Wiedeman that meets the language of "[a] state machine" as required by independent claim 6. Applicants are at a loss in determining which block(s), for instance, the Examiner deems to be the "state machine" required by independent claim 6. Wiedeman does not disclose "a state machine configured to communicate with the CDMA RAN and selectively configurable to communicate with the IS-41 core infrastructure using IS-41 protocol or with the GSM core infrastructure using GSM

protocol, based on at least one identifier received from at least one MS," as required by independent claim 6; therefore, independent claim 6 is patentable. Dependent claims 7-9 are patentable since they depend on patentable independent claim 6.

Independent claim 18 includes "receiving, at an MSC, at least one identifier from at least one MS," "wherein the receiving act is undertaken using a CDMA RAN." Wiedemann does not disclose the receiving act undertaken using a CDMA RAN. Assuming *arguendo* that a CDMA RAN comprises a gateway 10 and a base station 5 as put forth by the Examiner, Wiedemann discloses receiving via either the gateway 10 *or* the base station 5 (See Fig. 1), not via a CDMA RAN, which comprises both the gateway 10 *and* base station 5. Thus, independent claim 18 is patentable. Dependent claims 20-22 are patentable since they depend on patentable independent claim 18.

Independent claim 24 includes the limitations "at least one radio *communicating the identifier to a CDMA radio access network (RAN)*; and one and only subscription in a GSM core infrastructure, wherein the MS *communicates with a mobile switching center (MSC) using the CDMA RAN* and execute authentication with the GSM core infrastructure while the MS is located in an area serviced by a CDMA core infrastructure."

Again assuming *arguendo* that a CDMA RAN comprises a gateway 10 and a base station 5 as put forth by the Examiner, Wiedemann discloses communicating via either the gateway 10 *or* the base station 5 (See Fig. 1), not via a CDMA RAN, which comprises both the gateway 10 *and* base station 5. Thus, independent claim 24 is patentable. Dependent claims 26-27 are patentable since they depend on patentable independent claim 24.